

From: [Aaron M Ogletree](#)
To: [Opcuanet - Kelly King](#)
Subject: RE: Chemistry Syllabus
Date: Wednesday, February 24, 2021 7:04:52 PM

Mrs. King,

Having assessed all possible remedies in response to the University's position regarding the illegal searches, I have decided to go forward with the following plan of action in the event we cannot reach an agreement:

- a. I have begun drafting a letter to the the U.S. Department of Health and Human Services and the U.S. Department of Education to notify them of the University forcing immunocompromised and/or potentially COVID positive students who refuse to submit to the illegal searches to attend in-person on campus to take their exams or accept the consequence of a zero on their exam;
- b. I have begun drafting a letter to the Ohio Department of Health, Ohio Attorney General's Office, and Governor's Office to notify them of the University forcing immunocompromised and/or potentially COVID positive students who refuse to submit to the illegal searches to attend in-person on campus to take their exams or accept the consequence of a zero on their exam;
- c. I have begun drafting a letter to the Cuyahoga County Board of Health, City of Cleveland Department of Public Health, and the City of Cleveland Mayor's Office to notify them of the University forcing immunocompromised and/or potentially COVID positive students who refuse to submit to the illegal searches to attend in-person on campus to take their exams or accept the consequence of a zero on their exam;
- d. I have begun drafting a letter to disseminate to the media to include CNN, Fox 8, and others to bring attention to the University forcing immunocompromised and/or potentially COVID positive students who refuse to submit to the illegal searches to attend in-person on campus to take their exams or accept the consequence of a zero on their exam;
- e. I have begun revising my Complaint to comply with the F.R.C.P. requirement of a plain and simple statement as well as to add additional causes of action against the University. I plan to file this action in the U.S. District Court for the Northern District of Ohio's Eastern Division concurrently with a motion for preliminary injunction and motion to appear by telephone. I have also begun drafting initial discovery requests such as requests for production of documents, requests for admissions, and interrogatories. I will deliver all such documents when they are completed and read for filing at the address you have given me; and finally,
- f. I have begun drafting a letter to the ACLU of Ohio to notify them of the University forcing immunocompromised and/or potentially COVID positive students who refuse to submit to the illegal searches to attend in-person on campus to take their exams or accept the consequence of a zero on their exam;

I am hoping that, through a comprehensive action, I can help make CSU a safe learning environment for all students. It is my belief that the civil rights and health of students should not be compromised in the ways that the University has compromised mine. I am hoping these government agencies will investigate my claim and help to settle this issue and correct any other wrongdoings uncovered incidental to the investigation. Please advise if the University is amenable to settlement discussions.

As always, thank you very much for your time and assistance!

Cordially,

Aaron M. Ogletree (2643516)

From: Kelly M King <k.m.king55@csuohio.edu>

Sent: Sunday, January 17, 2021 2:09 PM

To: Aaron M Ogletree <a.m.ogletree@vikes.csuohio.edu>

Cc: Michael Kalafatis <m.kalafatis@csuohio.edu>; Anne O'Connor <a.oconnor@csuohio.edu>

Subject: Chemistry Syllabus

Dear Mr. Ogletree:

Your email messages to Dr. Kalafatis regarding your concerns with Dr. O'Connor's Chemistry 262 syllabus have been forwarded to me for response. My assessment is that the syllabus requirements do not violate constitutional rights. I disagree that the use of a wide-angle camera view when taking exams constitutes a search in violation of Fourth Amendment rights. Further, even if it was a "search", students in the course would consent to such a search by virtue of choosing to take the course and CSU has a legitimate interest in preserving the academic integrity of its examinations. That said, as you know, Dr. O'Connor has amended her syllabus to remove the wide-angle view requirement, which I understand satisfies your concern. If not, upon request, you are permitted to take the examinations in the CSU Testing Center instead of your home. Finally, you may elect to take a different section of Chemistry 262.

I disagree with your concern that the prohibition against copying exam questions violates your due process rights. A professor has the right to control her intellectual property and to preserve exam questions for future use. In the event that academic misconduct concerns were to arise, due process is afforded to the accused student under the University's Policy on Academic Misconduct, including the right to review and respond to any such accusations and access to specific exam questions at that time.

I hope that the modification of Dr. O'Connor's syllabus or the other options outlined above is satisfactory and that you feel comfortable proceeding as a student in Chemistry 262 this semester. Should you choose to pursue legal action against the University, please direct any filings or other correspondence to the following address:

Cleveland State University
Office of General Counsel
2121 Euclid Avenue, AC 327
Cleveland, OH 44115
Email: legal@csuohio.edu

Please accept my best wishes for a successful spring semester at Cleveland State University.